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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/804,478      | 03/13/2001  | Makoto Suzuki        | 1614.1135           | 8768             |

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

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| EXAMINER |
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JAMAL, ALEXANDER

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| ART UNIT | PAPER NUMBER |
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2643

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,478

Applicant(s)

SUZUKI, MAKOTO

Examiner

Alexander Jamal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,15-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,15-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. As per the amendment filed 7-5-2005, examiner acknowledges that claims 1,3-6,15-19,21-26 have been amended and claim 27 has been added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1,3,4,6,15,16,18,19** rejected under 35 U.S.C. 102(b) as being anticipated by Beatty et al. (5675630).

As per **claim 1**, Beatty discloses a mobile phone comprising a managing part (software in the phone) that manages functions and information in a manner linked to a plurality of using situations. The software will associate different speed dial directories with different using situations (NAMS) (ABSTRACT). The device further comprises a switch usable by the caller to set a specific using situation (Col 4 lines 25-35). The use of different NAMs allows the phone to be used in a business or personal situation (Col 2 lines 20-35). The device further comprises a control part (software) that will automatically select the appropriate function and information depending on the using

situation, and make the information available to the user (abstract). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user (Col 4 lines 25-35).

As per **claim 6**, claim rejected for same reasons as rejection of claim 1.

Additionally, a detector detects several pieces of 'mode -information' (example: caller's location) to set a specific using situation (Col 2 line 64 to Col 3 line 10). The device further comprises a control part (software) that will automatically select the appropriate function and information depending on the using situation, and make the information available to the user (Col 4 lines 25-35). Once a rule has been met (for example: by activating the switch), then the appropriate application and information are triggered and presented to the user.

As per **claim 18**, Walsh discloses information terminal equipment that includes a computer using a computer readable medium that stores a program comprising a managing means (software) that manages functions and information in a manner linked to a plurality of using situations. The software will detect various parameters from the caller and manage the transfer of information to/from the caller as described in the rejections of claims 1 and 6.

As per **claim 19**, claim rejected for same reasons as rejections of claims 1,6,18.

Examiner notes that the 'mode information' recited in the claim may be the user selection of the preferred NAM of Beatty's system.

As per **claim 27**, claim rejected for same reasons as claim 1. The phone user may enter in additions to the speed dial directory (via editing) (Col 6 lines 55-65). The phone will classify the phone directory entries that are executed as being associated with the NAM that is currently active (a first or second operating mode). The terminal is controlled to select the appropriate NAM (switch between operating modes) in order to transmit a speed dial number from a NAM-associated phone book (either a first or second data).

As per **claims 3,15**, the NAM chosen (operating mode) can be applied to accounting (billing) destinations (Col 1 lines 15-35).

As per **claims 4,16**, the portable phone comprises a display and the appropriately selected phone directory/NAM information.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5,17** rejected under 35 U.S.C. 103(a) as being unpatentable over Beatty et al. (5675630) as applied to claims 1 and 6 above, and further in view of Bijman (6047062).

As per **claims 5,17**, Beatty discloses applicant's claims 1 and 6, but does not specify that the managing part automatically updates the data that depends upon the using situation and is not already included in the database.

Bijman teaches a method of automatically updating information stored in a database used in a telephone system (speed dialing system). He teaches the advantage of saving the user the trouble of manually updating the database (Col 1 lines 14-30) by having the phone system automatically add data (a new phone number) to the database. It would have been obvious to one of ordinary skill in the art at the time of this application to have the managing part automatically update the appropriate database for the advantage of saving the user the trouble of manually updating the database.

6. **Claims 21-26** rejected under 35 U.S.C. 103(a) as being unpatentable over Beatty et al. (5675630), and further in view of Shaffer et al (6477374).

As per **claims 21,25**, Beatty discloses claims 21,25 for the same reasons as the rejections of claims 1 and 6, but does not specify that the terminal equipment detects the using situation based upon time information.

Shaffer teaches a device (cellular phone) system that cross references a date and time (to reference a time the unit inherently comprises a timer) with a user's location so that a call may be routed or forwarded (ie. a different using situation is setup) based upon a user's location (Col 2 line 45 to Col 3 line 7). He teaches the advantage that a user may

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be more easily tracked down even if he/she forgot to leave a forwarding number (Col 2 lines 23-43), as well as the advantage of more efficient call routing (Col 1 lines 44-55). It would have been obvious to one of ordinary skill in the art at the time of this application to detect a user's time-location in order to set the using state (NAM selection) for the advantage of being able to more easily track down a user and being able to more efficiently route or handoff the call (the handoff is more efficient because the user may be able to use local access is the appropriate NAM is selected).

As per **claims 22,23**, Beatty's system displays the appropriate information based upon the selected mode (NAM).

As per **claim 24,26**, claim rejected for same reasons as claim 1.

### **Response to Arguments**

7. Applicant's arguments filed 7-5-2005 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ  
August 17, 2005

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
FEDERAL BUREAU OF INVESTIGATION CENTER 2600